

## CHAPTER 5

### ARTICLE 43 — INMATE PROPERTY

*REVISED – DECEMBER 30, 2005*

#### **54030.1 Policy**

Inmates shall be permitted to possess in their quarters/living areas, state-issued and authorized personal property as established in the Authorized Personal Property Schedule (APPS), located in Section 54030.17, and based upon criteria delineated in Section 54030.7. The APPS is the primary reference for allowable inmate property and identifies limitations to the number of items allowed, dimension restrictions if applicable, cost/value limitations, etc. The APPS standardizes allowable inmate property department-wide, based upon assigned Privilege Group and/or assigned security level, and/or institution mission, constitutional and legal mandates, and gender considerations. Any requests to add or delete items from the APPS must be forwarded to the Deputy Director, Division of Adult Institutions (DAI), for review and approval prior to implementation. Approved modifications shall be reflected in the institution's local Operational Procedure regarding Inmate Property. The possession of personal property is a privilege and is subject to conditions and restrictions established in California Code of Regulations (CCR) Sections 3044, 3314, and 3315.

Inmates may not exchange, borrow, loan, give away, or convey personal property to or from other inmates.

**NOTE:** As a result of the standardization of allowable inmate property, some items are no longer permissible based on the APPS. Non-clear case appliances currently possessed by inmates shall be allowed to be retained until no longer operational. Inmates shall be allowed to retain other items of personal property that are no longer authorized until either transferred or for a period of up to one year after which time they will be considered disapproved property and disposed of per Section 54030.12.2, Processing Disapproved Property.

#### **54030.2 Purpose**

This Section establishes inmate personal property volume limits; describes the forms necessary for the processing of property; establishes liability and methods of acquisition of personal property; lists approval criteria, and describes the approval process for vendors; provides for acquisition of religious items, and the disposal of contraband; establishes protocols for the handling of inmate personal property during transfer, extradition, escape, discharge, and upon death in custody. This Section also establishes a standardized list of allowable personal property items in the form of the APPS, based upon privilege group, and/or assigned security level, and/or institution mission, and a method for institutions to obtain exemptions to the standardized list.

#### **54030.3 Responsibility**

The institution head shall administer this policy within their respective institutions/facilities.

#### **Associate Warden Operations**

The Associate Warden, operations, shall implement and monitor the operation of this procedure.

#### **54030.4 Volume**

The combined volume of state-issued and authorized personal property shall not exceed six cubic feet, except as specifically allowed in Section 54030.10.

#### **54030.5 Required Forms**

Departmental employees involved in the handling of an inmate's property shall document such involvement on the following CDC forms as appropriate:

**CDC Form 104, Property and Cash Receipt-Arrival:** A CDC Form 104 shall be completed by Reception Center staff upon receipt of new arrivals. The CDC Form 104 is used to document an inmate's cash, personal securities, and property and is used to document the proper disposition of unissued property and inmate funds.

**CDC Form 143, Property Transfer Receipt:** A CDC Form 143 shall be required to document the number of containers/boxes of personal property an inmate is transferring with and the progress of containers/boxes in transit. The CDC Form 143 may be used to identify multiple inmates with multiple boxes of property (Bill of Lading).

**CDC Form 160-H, Inmate Property Control Card:** A CDC Form 160-H, shall be required to record and maintain a record of all registerable property and its value. The CDC Form

160-H provides accountability to discourage theft and bartering of property of significant value or security interest (e.g. television, radio, handicraft tools, etc.).

**CDC Forms 1083-M and 1083-F, Inmate Property Inventory:** A CDC Form 1083-M or 1083-F (male or female) shall be completed when there is a need to inventory an inmate's property (e.g. Administrative Segregation Unit [ASU] placement, inter-institutional transfer, Out to Medical (OTM), Out to Court (OTC), extradition, property control, etc.), to ensure all property is accounted for and to provide a vehicle for the evaluation of inmate property claims. The CDC Forms 1083-M and 1083-F are the only acceptable documents for this purpose.

## **54030.6 Liability**

In permitting inmates to possess items of personal property while they are incarcerated, the Department does not accept liability for the theft, loss, damage, or destruction of such property resulting from the intentional or careless act or activities, or riotous behavior of any inmate(s). The Department does not accept liability for the loss or destruction of personal property in the inmate's possession or control at the time of any willful act by the inmate, such as escape, which exposes such property to loss or theft before it can be recovered and controlled by staff.

Correctional staff shall assume responsibility for an inmate's property upon notice that an inmate is being retained elsewhere by taking control of that inmate's property. If the property cannot be secured, as in a double occupied cell or dormitory, the property shall be removed and stored in a secured area.

Normally upon notification of the inmate being retained elsewhere, but within 24 hours, the inmate's property shall be inventoried, packaged for transfer, and placed in a secure area. A copy of the CDC Form 1083-F or CDC Form 1083-M, signed by the person who inventoried the property, shall be furnished to the inmate.

The Department shall accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee action. Inmates shall utilize the inmate appeal process if unable to resolve a personal property claim with staff pursuant to Section 54100. If the issue involves a prescribed health care appliance belonging to an inmate with a documented disability, the inmate may utilize the CDC Form 1824, Reasonable Modification or Accommodation to attempt to resolve the issue. Upon acceptance of liability, staff shall provide similar items of equal or greater value to the inmate when such items are available via donated property items consistent with Section 54100.22. If donated items are not available, monetary compensation to the inmate for such loss shall not exceed either:

- The dollar value as documented on CDC Form 160-H, Inmate Property Card.
- The cost of the item for which they have a receipt.
- The replacement value of a similar item as determined by a custody supervisor. Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

The Department shall not assume responsibility for property abandoned by an escapee. Staff shall inventory the property as specified in these regulations and provide secure storage. The final disposition of the escapee's property shall be processed in accordance with Penal Code (PC) Sections 5062 and 5063.

## **54030.7 Inmate Personal Property Acquisition**

Inmate personal property shall not be accepted at the front entrance gate or visiting desks. Inmates may be allowed to acquire specific items of personal property through the following methods:

## **Special Purchases**

Facilities shall allow for inmates to purchase the below listed items utilizing funds in their inmate trust account. Special purchases of the below listed items shall not be counted as a personal property package. Special purchases must be from departmentally approved, special purchase vendors.

Facilities may submit for departmental approval, local special purchase vendors as required, to provide religious items, handicraft material, health care appliances, subscriptions to local newspapers, etc. The facility requesting departmental approval of a special purchase vendor must submit the approval request to the office of the Deputy Director, DAI along with rationale for approval and a statement that the vendor meets the local facility's security and business requirements.

*NOTE:* The approval criteria for Personal Property Package vendors established in Section 54030.9 does not apply to special purchase vendors.

The amount charged an inmate for ordering entertainment appliances, a musical instrument, handicraft material, periodicals, or fiction books, as a special purchase shall include a ten percent service charge. Service charges shall be deposited in the inmate welfare fund.

Special purchases of health care appliances, correspondence courses, nonfiction books, and legal materials are not subject to service charges.

Facilities will make available to all inmates, procedures for special purchases. Purchases of health care appliances, correspondence courses, religious items, and handicraft material require an inmate to obtain prior approval. Submission of special purchase requests shall be based on established local procedures.

**Health Care Appliances**, prescribed by health care staff and subject to approval by designated custody staff. Health care appliances may be purchased by third parties. All health care appliances are to be received by designated health care staff from an approved vendor and inspected by designated custody staff prior to issuance. Health care appliances are not subject to the six cubic foot property limitation or count towards the two appliance limit as described in Section 54030.7 (DOM 54030.11).

**Correspondence Courses**, and materials subject to approval by designated custody and educational staff. Correspondence courses shall be received by designated education staff and inspected by designated custody staff prior to issuance (DOM 54030.10.3).

**Legal Material**, such as legal reference materials and books, legal pads, and pencils not available in the institution canteen. Legal material purchases are to be received by Receiving and Release (R&R) staff and inspected prior to issuance (DOM 54030.10.2).

**Religious Items**, subject to approval by designated custody staff and institutional chaplain. Religious items shall be received by the institutional chaplain and inspected by designated custody staff prior to issuance (DOM 54030.10.9).

**Entertainment Appliances/Musical Instruments,** as described in the APPS are to be shipped directly from a departmentally approved vendor in factory sealed packages, received by R&R staff and inspected prior to issuance. Packages that are damaged or opened shall be refused (DOM 54030.10.6).

**Books and Periodicals,** purchases and subscriptions shall be submitted according to local procedures and may be purchased for an inmate by a third party. (NOTE: For purposes of this section a departmentally approved vendor is any publisher or book store that does mail order business as outlined in CCR Section 3138(f)(1) )

**Handicraft Material,** restricted to inmates approved to participate in the handicraft program. Handicraft items shall be received by the handicraft manager and inspected by designated custody staff prior to issuance (DOM 54030.10.4).

#### **54030.7.1 Personal Property Packages**

Inmates may receive personal property based upon assigned privilege group as specified in Section 54030.8. Items of authorized property shall be limited to the items/categories listed in the APPS contained in Section 54030.17. Personal property packages shall be ordered by inmates or third parties, via a departmentally approved vendor. A departmentally approved vendor may be chosen by an inmate or third party to provide items for inclusion into a personal property package. While no more than one vendor may be used per package, inmates and their correspondents will be able to choose a different vendor for subsequent personal property package purchases. Personal property packages are limited to a 30 pound maximum weight limit and maximum dimensions of 24" x 24" x 24".

Wardens are authorized to utilize non-departmentally approved vendors for purchases of personal property packages to meet specific religious dietary needs of inmates (kosher, halal, etc.). All religious specialty foods must be consistent with the criteria and categories established in the APPS in Section 54030.17. Approval of religious specialty vendors shall be at the discretion of the Warden or Warden's designee (level of Associate Warden or above).

A request for a personal property package purchased from a locally approved religious specialty vendor is subject to approval by designated custody staff and the institutional chaplain. The receipt of a personal property package from a religious specialty vendor shall be counted as a regular personal property package.

Individual purchases of entertainment appliances and musical instruments by inmates using funds in their trust account or by third party shall not be counted as a personal property package, unless additional items of personal property are also included.

Quarterly personal property packages may be received by inmates at any time during a quarterly period. Upon arrival of a package at an institution, designated staff shall verify the eligibility of the inmate to receive the package before issuance. Prior approval is not necessary as the arrival date of

a package at an institution shall be the basis for the eligibility determination.

Facilities will make available to all inmates, procedures for the receipt of packages from approved vendors in accordance with limits set for their assigned privilege group. Facilities are responsible for ensuring that current vendor catalogs and order forms are available in the inmate library and visiting room.

When a package is received at a facility with an address insufficient to locate the inmate, staff shall exhaust all avenues of information in locating the inmate before returning the package to the sender, including but not limited to, determining whether the inmate is OTC, OTM, transferred to another institution/jurisdiction, or parole.

Issuance of inmate packages shall be as soon as possible, but not later than 15 calendar days from delivery to the institution, except during the holiday season and emergency lockdowns. For purposes of this article, the holiday season is designated as beginning on November 15 and ending on January 15.

Institutions may temporarily suspend delivery of inmate packages to all portions of the institution during emergency lockdowns.

Upon resumption of normal operations, inmates that are released from lockdown status, housed in an institution/facility experiencing a partial lockdown, shall continue to receive packages within 15 calendar days.

Issuance of packages to inmates affected by lockdown status may be temporarily suspended for up to 90 calendar days (one quarter). After 90 days, issuance of previously stored packages is mandatory. A lockdown shall not result in the loss of a quarterly package.

Packages received for inmates that are on lockdown status may be temporarily stored in appropriate locations designated by the institution/facility. The institution/facility is responsible for identifying and designating adequate storage space, including emergency overflow storage as required, until such time as staff are able to issue packages.

Inmates previously affected by lockdown shall receive unissued inmate packages within 15 days after their release from lockdown status.

Institutions shall not instruct vendors to stop shipment of packages unless authorized by the Deputy Director, DAI. Upon receiving authorization from the Deputy Director, DAI, the institution shall be responsible for notification of the inmate population. The inmates shall be responsible for notification of family or other correspondents.

Packages shall not be returned based solely on the existence of a lockdown.

#### **54030.7.2 Service Charge**

The amount charged an inmate for a self-purchased personal property package order shall include normal taxes and a ten percent service charge. Service charges shall be deposited in the inmate welfare fund. This service charge is exclusive of such costs as state sales tax, freight, and handling. Personal

property packages sent from third parties via approved vendor shall not be subject to any service charge.

#### **54030.8 Personal Property Package Criteria**

Items of personal property may be purchased from approved vendors by third parties of the inmate or purchased directly by the inmate. Authorized items, appliances, or food may be acquired by utilization of this package procedure, consistent with the APPS in Section 54030.17. The determining factor in the number of packages an inmate may receive per year is the privilege group in which the inmate is placed in accordance with the work/training program.

Inmates may obtain approved appliances and/or musical instruments from approved vendors by having them ordered by correspondents or using the funds in their inmate trust account. A limit of two appliances applies to all inmates based upon the following definition, with the exception of female hair care appliances as described in Section 54030.10.6.

*NOTE:* For purposes of this article, an appliance is defined as:

- 1) Any electrical appliance, (excluding prescribed medical appliances and battery rechargers) that relies on institution/facility power resources to operate (all electrical appliances are subject to the two appliance limit.)
- 2) Any audio/visual entertainment appliances such as radios, televisions, cassette/disk players, etc. (All audio/visual appliances are subject to the two-appliance limit, regardless of electric or battery operated power source.)
- 3) Battery operated, non-entertainment appliances that do not rely on institution/facility power resources (Battery operated, non-entertainment appliances are not subject to the two-appliance limit).

Items shall be shipped to the inmate's respective institution/facility by the approved vendor in a factory sealed container.

It is the responsibility of the inmate and/or the third party to ensure that packages are ordered in advance to ensure adequate delivery time.

The year shall begin January 1 and end on December 31. The quarters are:

- 1<sup>st</sup> - January 1 through March 31.
- 2<sup>nd</sup> - April 1 through June 30.
- 3<sup>rd</sup> - July 1 through September 30.
- 4<sup>th</sup> - October 1 through December 31.

#### **Privilege Group A/ Privilege Group B**

Inmates in Privilege Group A & B shall be allowed four packages per year (one per quarter) not to exceed 30 pounds each.

#### **Privilege Group C**

Inmates in Privilege Group C shall not be allowed a Personal Property Package. Inmates prohibited from receiving a package resulting from recent placement into Privilege Group C, shall not be allowed to retain a package, which was ordered prior to Privilege Group C placement. Disallowed packages shall be disposed of pursuant to Section 54030.12.2.

#### **Privilege Group D**

Inmates in Privilege Group D, including those inmates housed in ASU/Security Housing Unit (SHU) and Psychiatric Services Unit (PSU), shall be permitted to acquire one personal property package per year not to exceed 30 pounds each. Eligibility to acquire a personal property package commences one year after the date of Privilege Group D assignment.

Inmates in SHU/PSU may also purchase an entertainment appliance via the Special Purchase Process. Eligibility to acquire an entertainment appliance commences one year after the date of Privilege Group D assignment.

Inmates prohibited from receiving a package as a result of ASU placement shall be allowed to retain the package in their stored personal property if the package was ordered prior to ASU placement and the inmate was otherwise qualified to receive it.

#### **Privilege Group U**

Inmates in Privilege Group U shall not be allowed a Personal Property Package.

*NOTE:* The local Inter-Disciplinary Treatment Team (IDTT) may further restrict or allow additional authorized personal property on a case-by-case basis above that allowed by the inmate's assigned Privilege Group.

#### **54030.9 Personal Property Package Vendor Approval**

Vendors for Personal Property Packages, except those vendors approved locally for special religious foods as provided for in Section 54030.7.1, must receive Department approval prior to providing services to institutions/facilities.

The Deputy Director, DAI, has the authority to establish vendor approval guidelines for Personal Property Packages and to add or remove vendors from the approved list.

Vendors must submit a completed vendor application package to the Deputy Director, DAI. Requests for approval must include all additional materials and catalogs of items provided with prices. The vendor name and contact information will be provided to the institutions/facilities upon approval.

It is the intent of the Department to ensure Inmate Package Program catalog items are priced competitively with common retailers in major markets.

CDCR reserves the right to withdraw any vendor approval subject to 30 calendar days written notice to the vendor. However, any agreement can be immediately terminated for cause. The term "for cause" shall mean that the vendor fails to meet the terms, conditions, and/or responsibilities of an agreement. In this instance, the agreement termination shall be effective as of the date indicated on the State's notification to the vendor.

#### **54030.9.1 Personal Property Package Vendor Criteria**

Vendors submitting requests for Department approval shall meet the following minimum requirements:

1. All merchandise offered for sale by the vendor is subject to price comparison. Price comparison shall be conducted by CDCR during initial vendor approval and

throughout the length of any agreement or contract based upon advertised catalog prices.

Vendor prices will be compared with non-sale prices on an identical product for product basis at major retailers in the following major California markets:

- Fresno
- Los Angeles
- Sacramento
- San Diego

A resulting median price for the specific product will be identified. The vendor's advertised catalog price shall not exceed the median price by more than ten percent.

If identical items are not located during the initial price, comparison in the major California markets identified above, CDCR may extend the price comparison to include other states, if necessary.

If identical items are not located during an extended price comparison, similar items may be relied on as determined by CDCR. The basis for any price comparison shall be the sole discretion of CDCR.

The vendor will be notified if the prices of merchandise are in excess of the ten percent limit. If prices are determined by CDCR to be excessive, the vendor will be requested to reduce prices within the acceptable price range as determined by CDCR or remove the item from inmate availability. Inability or unwillingness of or by the vendor to comply with a CDCR price reduction/removal request within 30 calendar days of notification shall be cause for termination of any agreement or contract and shall result in disapproval of the vendor to provide services.

2. Vendor shall maintain insurance with Commercial General Liability with Warehouse Legal Liability for a minimum of \$1,000,000 per occurrence.
3. Vendor shall possess a valid California city or county business license (if applicable) or, if a corporation located within the State of California, incorporation documents or letter from the Secretary of State or, if not a California business, an affidavit that business is in good standing with the state, province, or country in which business is headquartered.
4. Vendor must provide a self-certified Inventory Report showing a minimum of \$250,000 worth (advertised retail value) of merchandise on premises (subject to physical verification by CDCR).
5. All merchandise purchased by a single order must be packaged in one single container. Multiple boxes are not permitted.
6. Must provide copies of CDCR approved catalogs and order forms, free of charge, to institutions/facilities. Catalog must indicate prices for all items and expiration

dates of prices. Prices advertised in catalogs must have a guaranteed minimum term of 12 months.

7. Upon vendor approval, all catalogs, order forms, and web sites must prominently display the following disclaimer:

*The California Department of Corrections and Rehabilitation (CDCR) has approved this independent vendor to sell merchandise to inmates and the public. CDCR's brief review and approval of this vendor was strictly limited to minimum security requirements and general business intent. CDCR is not affiliated with this vendor and does not guarantee that the vendor will fulfill any obligations, perform as expected, nor permanently remain in business, nor does CDCR guarantee the vendor's products in any way. Any purchases from this vendor are at the buyer's sole risk. CDCR assumes no liability whatsoever for such purchases, nor any aspect thereof. Any issues or disputes regarding the vendor's products are the sole responsibility of the buyer and/or the vendor, and CDCR is not obligated to mediate or resolve any such disputes.*

8. CDCR approved catalog must only present items authorized for purchase by CDCR inmates based upon Privilege Group.
9. Catalog must identify items allowable by Privilege Group as identified in Section 54030.17.
10. Vendor must require customer to select a Privilege Group prior to completion of a purchase. The selection of a Privilege Group shall act to restrict the purchase of merchandise not allowed by the selected Privilege Group. Refer to the APPS located in Section 54030.17 for more information.
11. Items listed in catalogs must regularly be in stock. Catalogs and order forms shall clearly indicate that back orders or substitutions shall not be permitted. In the event that an item is out of stock, a refund will be issued to the purchaser.
12. Two copies of the purchase receipt or shipping invoice shall be included in each package and a copy shall be forwarded to the purchaser if purchased by a non-inmate. (E-mail confirmation is acceptable for orders placed over the Internet.)
13. Maximum allowable package weight is 30 pounds. This weight limit includes merchandise, packing material, and packaging (tare weight). Packages in excess of 30 pounds shall not be accepted and returned at the vendor's expense.
14. The catalogs and web sites must include the shipping weight of each individual item and a method of calculating the total gross weight of the inmate package, as customers are limited to a gross weight of 30 pounds or less.
15. Maximum allowable package dimensions are 24" x 24" x 24".
16. All catalogs and web sites must clearly inform customer of the 30 pound weight limit.
17. All packages must be labeled either Privilege Group A/B or Privilege Group D based upon the contents of the

package. Privilege Group D packages may only contain items authorized for Privilege Group D.

18. The vendor's return policy must be clearly stated in catalogs and on web sites. CDCR shall not be a party in any dispute between the vendor or the purchaser.
19. The vendor is responsible to correct any errors in package contents. When an incorrect item is received in a vendor package, CDCR staff shall verify and may contact the vendor to request a United Parcel Service call tag in order to ship the incorrect item back to the vendor. This does not preclude individual facilities from alternative methods of resolution.
20. Must restrict knowledge of identities of both package recipients and purchasers from staff responsible for assembling packages.
21. Vendor staff responsible for receiving orders, assigning purchase order numbers, and/or secure numerical identifiers shall not be allowed to assemble packages.
22. Vendors must conduct pre-employment urinalysis testing on all employees and provide evidence of such on demand.
23. Vendors must provide names and identification information of all staff on demand. Current state driver's licenses are accepted as valid identification.
24. Vendors employing staff possessing felony convictions less than 10 years old shall be disqualified. Vendors employing staff possessing drug-related arrests or convictions less than 5 years old shall be disqualified.
25. Vendors must be willing to submit to, and cooperate with, frequent CDCR inspections without notice.
26. Vendors' receiving, packaging, and shipping areas must be monitored by a Closed Circuit Television System (CCTV). Video tapes or other medium providing a record of activities in packaging and shipping areas must be maintained for a minimum of 30 days. All videos must provide a date and time stamp and the ability to identify vendor staff.
27. Vendors must employ the security measures described in Section 54030.9.2.
28. Packages must be sealed with tamper resistant tape.
29. Approval and use of vendors must result in no expense to CDCR.
30. Vendors must be capable of supplying packages within no more than 10 days after purchase. Occasional delays in shipments are understood and will not be reason for disapproval of a vendor.
31. Institution personnel shall maintain a verified copy of the shipping invoice in order to assist in the resolution of any disputes between the vendor and the purchaser. However, all order disputes are solely between the purchaser and the vendor and must be settled without additional involvement of CDCR.

## **54030.9.2 Shipping Security**

Prior to each shipment of packages, the vendor shall provide the receiving institution a shipping manifest containing inmate names, CDCR numbers, and a list of secure numerical identifiers (confidential purchase order numbers) that corresponds to each package shipped. The shipping manifest shall be sent to the institution via e-mail or facsimile (FAX) as determined by the institution. Under no circumstances shall the shipping manifest accompany the shipment of packages.

Packages shall display only the secure numerical identifier. Neither the inmate's name, CDCR number, shipping manifest containing secure numerical identifiers, nor any other inmate identifying information may be shipped with a package. Standard shipping labels may be used, but shall only provide the vendors return address, the institution's address, and the secure numeric identifier. The numeric identifier and inmate's Privilege Group shall be clearly displayed on each package to facilitate comparison with the shipping manifest.

### **54030.10 Property Classifications/Restrictions**

The following subsection gives direction on the control, possession, recording, and disposition of inmate property.

#### **54030.10.1 Food and Hygiene**

Inmates may possess food and personal care/hygiene items in their quarters/living area consistent with their privilege group unless otherwise prohibited by departmental policy as outlined in CCR Section 3190(a). The maximum amount of food and personal care/hygiene items an inmate may possess shall not exceed the amount which can be purchased through the canteen by the inmate in one month, as required by CCR Section 3094 and as described in CCR Section 3190(e). Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended. Possession of canteen items (personal hygiene and other miscellaneous items), except for consumable food items, shall be consistent with the six cubic foot limitation.

Inmates shall be permitted to temporarily exceed the six cubic foot volume limit by the amount of the current month's purchase of consumable food items, verifiable by the current month's canteen receipt. By the following month's canteen draw, the inmate is expected to be within established volume limits.

In the event the inmate does not comply with these provisions for consumable food items (canteen in excess of the one month standard as described in CCR Section 3094, or exceeds the temporary excess allowed for consumable food items, or is not able to produce a receipt for items) as described above, the inmate will be required to dispose of property of his/her choice pursuant to Section 54030.12.2, to become compliant with the volume limitation policy.

#### **54030.10.2 Legal Materials**

Inmates may possess legal materials/documents and/or books in their quarters/living area consistent with the six cubic foot limitations except as otherwise set forth in this Section. In addition to the six cubic feet limitation of authorized property as set forth in this article, inmates may possess up to one cubic foot of legal materials/documents related to their active cases in their assigned quarters/living area. Inmates may request

that the institution/facility securely store excess legal materials/documents related to their active case(s) when such materials/documents exceed this one cubic foot additional allowance. Only that material in excess of the additional one cubic foot shall be stored. NOTE: an active case may be defined as any legal action, cause, suit, writ, etc. that an inmate is currently involved in writing or responding to.

A suitable area as designated by the Warden shall be reserved for the storage of excess legal material. A log record of material(s) stored showing inmate's name, number, date of storage, and the materials receipt and removal shall be required.

The material shall be placed in a box and sealed at the time of storage with the initials of the inmate and staff member involved. When the material is removed, the inmate shall acknowledge its removal by signing the log record.

Upon an inmate's request, staff shall schedule appointments for the inmates to have access to their stored materials. Inmates shall have access to their stored legal material one time per week, if they have an active case.

Inmates assigned to ASU/SHU/PSU shall provide the necessary identifying information for staff to access stored legal material. The inmate is responsible for organizing stored legal material in a manner that allows staff to identify a specific box for exchange.

Legal books shall not be stored by the institution/facility. Inmates who require access to the excess active case legal materials/documents from secured storage may exchange such documents for active case materials/documents in their quarters/living area upon written request to the property coordinator or designee, on a box-for-box basis while adhering to the limitations set forth in this Section. Legal materials/documents and books that do not pertain to the inmate's active case(s) and are in excess of the allowable property limitation shall be disposed of pursuant to Section 54030.12.2.

#### **54030.10.3 Correspondence Course Materials**

Inmates may possess correspondence course materials, including textbooks, in their quarters/living area as approved by the Supervisor of Correctional Education Programs (SCEP) or designee, and designated custody staff consistent within the six cubic feet limitation. Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution's security or the safety of persons shall not be allowed. The SCEP or designee shall provide the inmate with a CDC Form 128B, General-Chrono indicating approval of the course and materials supplied. The inmate must display this chrono conspicuously in their quarters/living area.

#### **54030.10.4 Inmate Handicraft**

Inmates who participate in handicraft programs may possess in their quarters/living area, handicraft articles, and written and artistic material produced or created by that inmate, consistent with departmental regulations and within the six cubic feet limitation. Facilities may designate additional storage for handicraft articles and materials based upon availability of space. Excess handicraft items, articles, or

materials in an inmate's possession shall be confiscated and disposed of in accordance with Section 54030.12.2

Inmate donation of handicraft items, articles, tools, and materials to the institution is subject to provisions of Section 53080.14. Such articles shall be controlled by the handicraft manager, become the property of the State, and shall be utilized in the same manner as other State owned tools and materials.

#### **54030.10.5 Education Materials**

In addition to the six cubic feet limitation of authorized property as set forth in this article, inmates who are assigned to institution Academic or Vocational Educational Programs shall be allowed to possess State provided textbooks/materials necessary to complete their education requirements in their quarters/living area. Inmates must sign a CDC Form 193, Trust Account Withdrawal for replacement costs prior to being issued the material. Inmates shall have posted in their cell a CDC 128-B signed by the appropriate instructor indicating the inmate is authorized to possess the listed texts and/or materials. Any course textbooks furnished by the State shall be returned to the Education Department at the end of the course or upon the inmate's transfer or parole. State supplies not returned in serviceable condition will result in the Trust Account Withdrawal form being submitted for the replacement value. The Supervisor of Correctional Education Programs shall be responsible for determination of the replacement value of educational supplies.

#### **54030.10.6 Appliances / Musical Instruments**

##### **Privilege Groups A and B**

Inmates assigned to Privilege Group A or B may possess up to two appliances, with the exception of female hair care appliances, as indicated in Section 54030.8.

Based upon inmate grooming standards as described in CCR Section 3062(f), female inmates may possess up to three appliances when one of the appliances is a hair care appliance.

NOTE: In order to facilitate female hair care needs, female institutions shall maintain a hairdryer in each housing unit for inmate use.

One musical instrument with case may be substituted as one of the two appliances in their quarters/living area consistent with the six cubic foot limitations. When an inmate assigned to Privilege Group A or B is placed in Administrative Segregation, any appliances and/or musical instrument shall be inventoried and stored pending the outcome of ASU placement. If the inmate is released back to the general population and maintains their Privilege Group A or B status, the appliance(s) and/or musical instrument shall be returned to the inmate. If the inmate receives a SHU/PSU term, the inmate shall be required to dispose of the appliance(s) and/or musical instrument in accordance with Section 54030.12.2.

NOTE: Inmates housed at conservation camps shall not possess personal television sets.

##### **Privilege Groups C and U**

Inmates assigned to Privilege Group C or U may not possess any appliances (i.e. television, radio, CD player, etc.) or

musical instruments, nor may they purchase any electrical entertainment or battery-operated type of appliances.

When an inmate is placed on Privilege Group C via a classification committee action, the inmate shall be required to dispose of any appliance(s) and/or musical instrument in accordance with Section 54030.12.2.

#### **Privilege Group D (ASU/SHU/PSU)**

Inmates assigned to ASU may not possess any appliances or musical instruments.

Inmates assigned to SHU/PSU may possess and/or acquire through the inmate personal property package process, or Special Purchase process, one entertainment appliance as outlined above and as identified in Section 54030.17. Eligibility to receive an entertainment appliance commences one year after date of Privilege Group D assignment. Inmates assigned to Privilege Group D may not possess a musical instrument.

#### **54030.10.6.1 Additional Appliance/Musical Instrument Requirements**

Appliances may be AC plug-in or may use an AC/DC adapter. Battery operated, non-entertainment appliances shall not be counted against the two-appliance limit. Inmates may purchase and use rechargeable batteries with a recharger unit. Recharger units and AC/DC adapters are considered appliance accessories and shall not be counted as a separate appliance. Inmates shall not possess or use a remote control device. Entertainment appliances with internal mechanisms for recording, downloading, or transmitting shall not be allowed. All appliances, including entertainment appliances shall be portable models. Entertainment appliances with antennas shall be built in. Entertainment appliances shall have earphones or earplugs that shall be worn on the head or in the ear when the appliance is in use within the housing units.

All appliances shall have the inmate's name and number engraved on the back and be sealed by staff. Staff shall make the necessary entries on the inmate's CDC Form 160-H before releasing the property to the inmate. Any inmate who breaks or tampers with the seal may be subject to disciplinary action and confiscation of the item. Inmates that are found guilty of breaking or tampering with the seals of any personal appliance may have the appliance confiscated and disposed of in accordance with Section 54030.12.2.

Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances. Non-clear case appliances shall be eliminated through attrition.

Musical instruments and case combined dimensions shall not exceed 46" x 24" x 12."

#### **54030.10.6.2 Repair of Appliances**

In the event of a malfunctioning appliance, the inmate shall be responsible for returning the unit to R&R for shipment to an authorized repair vendor or institution vocational repair shop, if available. The inmate shall have a minimum of \$50 on their trust account for estimates only. If the unit costs more to repair, the inmate shall be contacted regarding the cost. The

inmate must forward the necessary funds to the vendor prior to repair.

Inmates are prohibited from keeping inoperable appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

#### **54030.10.7 Clear Technology**

Inmates shall be restricted to only clear personal care/hygiene items encased in clear containers or tubing based upon availability. An exemption from using clear personal care/hygiene items encased in clear containers or tubing shall only be authorized by the institution's health care manager or chief medical officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted by the inmate.

Inmates ordering new or replacement appliances shall be required to purchase clear case appliances. Inmates currently possessing non-clear case appliances shall be allowed to keep those appliances until they are no longer functioning. Non-functioning non-clear case appliances are considered contraband and shall be disposed of according to Section 54030.12.2.

#### **54030.10.8 Personal Clothing**

Inmates shall not be permitted any personal clothing items other than those listed in the APPS Section 54030.17. No advertising, letters or pictures depicting or reasonably associated with alcohol, gangs, profanity, sex, nudity, weapons, drugs, or drug paraphernalia shall be authorized.

#### **54030.10.9 Religious Items**

Personal religious items may be authorized as described in, but not limited to Section 53050. Inmates may possess authorized religious items consistent within the six cubic feet limitation.

Religious items are subject to approval by designated custody staff and the institutional chaplain. Custody staff shall consult institutional chaplains and spiritual leaders whenever possible when considering the disapproval of religious items.

#### **Procedures**

Institutional chaplains shall be responsible for approving all inmate requests for spiritual items. Spiritual packages must be received from an approved, recognized vendor, and must be received in one of the following ways:

Purchased by a third party from an approved vendor.

Purchased by the inmate from an approved vendor.

Items arriving via family or friends, or items shipped from other than approved, recognized vendors, shall be disposed of in accordance with Section 54030.12.2.

#### **54030.10.10 Membership Cards**

Inmates shall not possess any membership cards, identification cards, or service-type cards other than those issued by the Department.



#### **54030.10.11 Contraband**

Anything not permitted, or in excess of the maximum quantity permitted, or no longer functioning as designed, or that have been modified or tampered with, or which is received or obtained from an unauthorized source is contraband. Possession of contraband may result in disciplinary action and confiscation of the contraband (CCR 3006).

The inmate shall be given a written notice for any item(s) of personal and authorized State-issued property that is removed from their quarters during an inspection/search and the disposition made of such property. The notice shall also list any contraband or any breach of security noted during the inspection/search.

#### **54030.11 Health Care Appliances**

Approval for an inmate to permanently or temporarily possess or retain a health care appliance requires a clinical prescription for the appliance and shall be documented on a CDC Form 128C Medical, Psych, Dental, Chrono.

Inmates shall be allowed to retain possession of a prescribed health care appliance until a health care evaluation is performed providing that safety and security of the institution/facility will not be compromised. Health care appliances are not subject to the six cubic foot volume limitation, nor count towards the two-appliance limit as described in Section 54030.8.

Approved health care appliances include durable medical equipment, assistive devices, adaptive equipment, prosthetic or orthotic appliances, or equipment or medical support equipment, which include, but are not limited to:

Eyeglasses.

Prosthetic Eyes.

Dental prosthesis.

Prosthetic limbs.

Orthopedic braces or shoes.

Hearing aids.

Wheelchairs.

Canes.

#### **54030.11.1 Disallowance of Health Care Appliances**

Following review and/or inspection of the appliance, should custody supervisor determine that a significant safety or security concern appears to exist, the institution Health Care Manager, Chief Medical Officer, Chief Physician and Surgeon, or Chief Dentist, Correctional Health Services Administrator, or Physician on Call, or Medical Officer of the Day shall be consulted immediately to determine actions required to safely accommodate the affected inmate-patient's needs. Accommodation appropriate to the safety and security of the institution may include, but should not be considered limited to:

Modification of the appliance. If this alternative is chosen, equivalent effective alternative accommodation must be provided the inmate/patient while the original appliance is being modified.

Replacement of the appliance with an acceptable one. If this alternative is chosen, equivalent effective alternative accommodation must be provided the inmate/patient while the alternate appliance is being procured.

Special housing. If this alternative is chosen, and housing in a medical bed is required because of nursing care needs that would not be necessary if the inmate/patient could be allowed an effective appliance, the inmate/patient must be seen as being housed solely on the basis of a disability.

Expedited transfer to a designated institution.

Substitution of non-medical personal services for an appliance (where Inmate Assistant programs have been established) or expedited transfer to an institution where such programs exist.

#### **54030.12 Property Issuance**

When issuing items of property to an inmate, whether originating from a special purchase or an inmate package, issuing staff are required, at a minimum, to visually observe and physically hand each item of registerable and non-registerable property to the inmate. Staff shall not be responsible for conducting an inventory of non-registerable property during the issuance process.

At the completion of the issuance process, the inmate shall verify that the property is correct as compared with the shipping invoice contained inside the package by signing the staff copy of the shipping invoice. If a discrepancy is identified, the inmate is responsible for showing the discrepancy to staff who shall note the discrepancy on the staff copy of the invoice. One copy of the invoice is retained by the institution/facility for a minimum of one year, and one copy of the invoice is provided to the inmate. While resolution of discrepancies is strictly between the purchaser and the vendor, the copy of the invoice maintained by institutional staff shall serve as verification of any discrepancy claims.

##### **54030.12.1 Property Registration**

Personal property items which are not consumable and that possess enough intrinsic value to be a significant target for theft or bartering, are considered registerable property. Registerable personal property is identified in Section 54030.17.

When designated items are identified as registerable, such items must be registered under the inmate's name and number on the CDC Form 160-H, Inmate Property Control Card. Staff shall include the purchase date and purchase price, and attach a copy of the purchase receipt to the CDC Form 160-H, if available.

It is the responsibility of the inmate to account for all registerable property listed on the CDC Form 160-H. Staff shall document property inmates cannot account for on appropriate forms (CDC 128 A, CDC 115).

The inmate, in writing, shall report all registerable property that is lost, stolen, or worn-out to R&R personnel as soon as the loss or unusable wear is discovered. A description of the item(s) and the circumstances surrounding the loss shall be included in the report.

### **54030.12.2 Processing Disapproved Property**

Unauthorized inmate personal property, including that which is altered, exceeds volume limitations, or is beyond repair, shall be disposed of in accordance with the provisions of this Section. The institution shall not store unauthorized inmate property except as provided for inmates placed in ASU as provided for in Section 54030.13.2.

Inmates shall sign the CDC Form 1083 indicating their choice of disposition and agreement to the method for disposing of their property. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Unauthorized personal property shall be disposed of as follows:

Mail the item to an address provided by the inmate via United States Postal Service (USPS) or common carrier at the inmate's expense. This option is not available for inmates with insufficient funds in their trust account.

Return the item to the sender via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient funds in their trust account.

*NOTE:* Unopened packages received by the institution via USPS or common carrier, for an inmate ineligible to receive a package, may be returned to sender at no expense.

Donate the item to a charitable organization as designated by the institution/facility.

Donate the item to the institution/facility.

Render the item useless and dispose of it according to institution/facility procedures.

Failure to provide an address of an individual willing to accept the personal property will result in the property being donated to a charitable organization, donated to the institution/facility, or render as useless and dispose of per institution/facility procedures. Inmates are not permitted to send their property to any State agency or agent of the State. Failure to comply may result in disciplinary action.

### **54030.13 Movement of Personal Property**

The following subsection gives direction, disposition, and processing of inmate property when being transferred, placed in ASU, out-to-court, medical, or extradition.

#### **54030.13.1 Transfers**

Upon an inmate's transfer between institutions of the Department, the sending institution shall inventory the inmate's property on a CDC Form 1083. R&R staff shall account for all personal property and document the disposition of any property not allowed at the receiving institution. For purposes of inmate transport, canteen and hygiene are included within the six cubic feet of allowable property.

The APPS shall be used as the basis for determination of property decisions. Changes in an inmate's privilege group and volume limitations are addressed in the APPS (Section 54030.17).

When the inmates report to R&R with their personal property, they shall be informed that any item that cannot be transported or will not be accepted at the receiving institution based upon

a change to privilege group shall be disposed of by the methods outlined in Section 54030.12.2.

A signed copy of the CDC Form 1083 shall be placed in each box containing the inmate's personal property. A copy shall also be provided to the inmate and a copy retained by the sending R&R and receiving institution to facilitate the resolution of inmate property claims. The receiving institution shall document the disposition of any disallowed property items that were not identified and confiscated by the sending institution.

The CDC Form 143 shall be completed by R&R staff, and a copy shall be provided to transporting staff.

All boxes/containers used to transport inmate property shall not exceed 24" x 24" x 24" maximum dimensions, nor contain in excess of 30 pounds of property each.

All health care appliances belonging to an inmate shall be transported with the inmate upon transfer. Upon an inmate paroling, all health care appliances permanently issued to the inmate shall be retained and maintained by him/her. Health care appliances temporarily issued to the inmate for use during incarceration shall be retained at the institution.

### **54030.13.2 Temporary Placements, Transfers, and Returns**

#### **Administrative Segregation**

Unissued authorized property for inmates on ASU status shall be inventoried by appropriate staff and stored in areas designated for property storage pending the outcome of ASU placement. Property inventory shall be completed in accordance with Section 54030.6.

Upon initial ASU placement, the institution must provide the inmate basic hygiene and writing materials, i.e., fish kit. In addition, the inmate shall be provided access to his/her personal address book and stamps in order to facilitate access to correspondents and the courts.

If the Institution Classification Committee retains the inmate in ASU after initial ASU review, the inmate shall have access to canteen as provided for in Section 54070.6.1 based upon a schedule determined by the facility. Additionally, the inmate shall have access to all authorized personal property as determined by Section 54030.17.

If the inmate is released back to the general population and maintains his/her original Privilege Group status, the personal property shall be returned to the inmate. If the inmate receives a SHU/PSU term, the inmate shall be required to dispose of all unauthorized property prior to transfer in accordance with Section 54030.12.2.

The property of inmates on temporary transfer status shall be processed as follows:

#### **Out-To-Court**

Inmates going out-to-court who are not returning the same day shall report to R&R with all of their personal property. R&R staff shall inventory and store the property until the inmate returns from court. If an inmate is paroled or discharged while on out-to-court status, all tangible property, such as clothing, appliances, and paperwork, shall be stored for a

period of one year. Intangible property such as inmate funds shall be maintained for a period of three years. If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.

In institutions that have authorized property storage areas within the housing unit, staff from the respective unit may inventory and store the inmate's property.

#### **Hospital/Out-Patient Housing Unit (OHU) / Correctional Treatment Center(CTC)**

Inmates transferring to the hospital, OHU, or CTC who are not returning the same day shall turn in all property to the housing unit officer or R&R. The property shall be inventoried and properly stored in accordance with this Section until the inmate returns from the hospital/OHU/CTC.

Inmates going to the hospital/OHU/CTC and returning the same day shall not be required to store their property in the property room.

Inmates placed in the hospital/OHU/CTC due to accident or emergency shall have their property collected, inventoried, and stored in R&R (or other approved area) by the housing unit officer or designee.

Inmates transferring on medical and return status to other institutions shall store their property in R&R or other designated areas.

#### **Return**

Upon release/return from the hospital/OHU/CTC or special housing units, the inmate's property shall be returned. The inmate shall be provided an opportunity to sign the property inventory form acknowledging receipt of the property. Issuing staff shall also sign the property inventory form, acknowledging the inmate's receipt or refusal to sign.

#### **54030.13.3 Extradition**

Inmates or parolees requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal property. It is the inmate's responsibility to make arrangements with the holding agency for the disposal, storage, or mailing of their property prior to being transported by extradition agents. Extradition agents shall not be responsible for inmate property left at the sending agency/institution. At no time shall inmate property be checked onto airplanes or transported in the baggage compartment of the aircraft. The only exception is wheelchairs or other prescribed health care appliances.

Inmates being extradited shall not retain any property on their person except prescribed medications and health care appliances as necessary, e.g., prescribed eyeglasses. Only authorized property that can fit into a 10" x 12" clasp envelope, including, but not limited to, jewelry, wallet, watch, family pictures, or printed material shall be allowed to be transported with the prisoner. Inmate property shall be inventoried on a CDC Form 1083. A copy of the CDC Form 1083 shall be placed in the sealed envelope, a copy shall be provided to the inmate, and a copy shall be retained by the extradition agent. The envelope shall then be secured in the agent's carry-on baggage or secured compartment in a transportation vehicle. The inmate may wear his/her own

clothing and shoes if deemed appropriate for transport purposes by the assigned State agents.

Inmates being extradited from CDCR to other jurisdictions, states, or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where personal property is not permitted to be transported, inmates shall be provided the opportunity to select appropriate disposition of their property as follows:

Inmates permanently transferring to the custody of another agency shall be provided with the opportunity to mail all property to an address of their choosing, via United States Postal Service (USPS) or common carrier at the inmate's expense.

Indigent inmates shall have property shipped to an address of their choosing at CDCR's expense.

*NOTE:* If no address is provided or previously mailed property is returned as undeliverable, all tangible property shall be placed in storage for a period of one year. Intangible property shall be maintained for a period of three years. If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.

Inmates temporarily transferring OTC and other temporary transfers, shall have property stored pending their return to CDCR custody. All property will remain in storage until the inmate is either returned to CDCR custody or paroled or discharged. If paroled or discharged, all tangible property shall be stored for a period of one year. Intangible property shall be maintained for a period of three years. If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063

#### **54030.14 Release Clothing**

Inmates scheduled for parole or awaiting discharge may be sent a release-clothing package via USPS or common carrier no earlier than 30 days prior to their scheduled parole or discharge date. Inmate release-clothing packages, limited to one set of clothing, shall be retained in a secure location by departmental staff.

#### **54030.15 Escapees' Property**

The Department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered and the property is inventoried.

All personal property of escapees shall be inventoried and transferred to the investigating lieutenant. In accordance with PC Section 5062, tangible property shall be stored for a period of one year. Intangible property shall be maintained for a period of three years. Final disposition of property shall be in accordance with PC Sections 5062 and 5063.

#### **54030.16 Deceased Inmate Property**

All personal property of a deceased inmate shall be inventoried on a CDC Form 1083 and stored in a location designated by the Warden. The deceased inmate's Central File shall be reviewed for written directions of the decedent as to the next-of-kin. The deceased inmate's property shall be

shipped to the next of kin as designated on the CDC Form 127, Notification in Case of Death, Serious Injury, or Serious Illness at the inmate's expense. If funds are not available in the inmate's trust account, the property shall be shipped to the person designated on the CDC Form 127, only after contact and willingness to receive property is established.

If no willing recipient can be identified or previously mailed property is returned as undeliverable, all tangible property

shall be placed in storage for a period of one year. Intangible property shall be maintained for a period of three years. If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.